

1 Sterling A. Brennan (CA State Bar No. 126019; E-mail: sbrennan@wnlaw.com)
2 WORKMAN | NYDEGGER A PROFESSIONAL CORPORATION
3 1000 Eagle Gate Tower
4 60 East South Temple
5 Salt Lake City, Utah 84111
6 Telephone: (801) 533-9800
7 Facsimile: (801) 328-1707

5 Caroline McIntyre (CA State Bar No. 159005; E-mail: cmcintyre@be-law.com)
BERGESON, LLP
6 303 Almaden Boulevard
Suite 500
7 San Jose, California 95110-2712
Telephone: (408) 291-6200
8 Facsimile: (408) 297-6000

9 | Attorneys for Plaintiff FINISAR CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

14 FINISAR CORPORATION, a Delaware corporation.

Case No. 5:07-CV-04052-HRL

Plaintiff.

v

18 U.S. BANK TRUST NATIONAL
19 ASSOCIATION, a national banking
20 association, not in its individual capacity,
but solely in its capacity as Indenture
21 Trustee in behalf of all Holders of Finisar
22 Corporation's 5 1/4% Convertible
23 Subordinated Notes due 2008, 2 1/2%
Convertible Senior Subordinated Notes due
2010, and 2 1/2% Convertible Subordinated
Notes due 2010; and DOES 1 through 10,
inclusive.

**CERTIFICATION OF INTERESTED
PARTIES OR PERSONS BY PLAINTIFF
FINISAR CORPORATION PURSUANT
TO FEDERAL RULES OF CIVIL
PROCEDURE 7.1 AND CIVIL LOCAL
RULE 3-16**

Magistrate Judge: Hon. Howard R. Lloyd

Complaint Filed: June 22, 2007
Trial Date Set: None Yet

Defendants.

**CERTIFICATION OF INTERESTED PARTIES OR
PERSONS BY FINISAR CORPORATION PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 7.1
AND CIVIL LOCAL RULE 3-16**

1 Pursuant to Federal Rule of Civil Procedure 7.1, plaintiff Finisar Corporation (“Finisar”)
 2 states that it has no parent corporation and that no publicly held corporation owns ten percent
 3 (10%) or more of its stock.

4 Pursuant to Civil Local Rule 3-16, plaintiff Finisar Corporation certifies that the following
 5 persons, associations of persons, firms, partnerships, corporations, or entities other than the
 6 parties to the above-captioned action (the “Action”) may have either (i) a financial interest of
 7 some kind in the subject matter in controversy in, or in a party to, the Action; or (ii) some other
 8 kind of interest that could be substantially affected by the outcome of the Action:

9
 10 1 OppenheimerFunds, Inc.
 2 T. Rowe Price Associates, Inc.
 11 3 Frank H. Levinson
 4 VantagePoint Venture Partners
 12 5 Penn Capital Management, Inc.
 6 Vanguard Group, Inc.
 13 7 Kopp Investment Advisors, LLC
 8 Fidelity Management & Research (US)
 14 9 Pioneer Investment Management, Inc.
 15 10 Barclays Global Investors, NA
 11 Dawson-Herman Capital Management Inc.
 16 12 Ardsley Partners
 13 Sand Hill Advisors, Inc.
 17 14 6th Avenue Investment Management Company, LLC
 15 Jerry S. Rawls
 16 Longwood Investment Advisors, Inc.
 18 17 GLG Partners, LP
 18 Emerald Advisers, Inc.
 19 19 Hunter Hall Investment Management Ltd.
 20 Schroder Investment Management North America Inc.
 21 21 RiverSource Investments, LLC
 22 College Retirement Equities Fund
 23 State Street Global Advisors (US)
 22 24 Dimensional Fund Advisors, Inc.
 25 Pequot Capital Management, Inc.
 23 26 Peconic Partners, LLC
 27 Bear Stearns Asset Management, Inc.
 24 28 Mayo Investment Advisers, LLC
 29 NorthPointe Capital, LLC
 25 30 Swedbank Robur AB
 26 31 033 Asset Management, LLC

28 1.

**CERTIFICATION OF INTERESTED PARTIES OR
 PERSONS BY FINISAR CORPORATION PURSUANT
 TO FEDERAL RULES OF CIVIL PROCEDURE 7.1
 AND CIVIL LOCAL RULE 3-16**

1 32 Delaware Investments
 2 33 J.P. Morgan Investment Management Inc. (New York)
 3 34 Deutsche Asset Management Americas
 4 35 New Generation Advisors, Inc.
 5 36 Northern Trust Investments, NA
 6 37 California Public Employees' Retirement System
 7 38 Sun Life Assurance Company of Canada (Toronto)
 8 39 Black River Asset Management, LLC
 9 40 Placemark Investments, Inc.
 10 41 Washington Capital Management, Inc.
 11 42 Cavalry Asset Management LP
 12 43 RCM Capital Management LLC
 13 44 JDS Capital Management, Inc.
 14 45 Pennsylvania Public School Employees Retirement System
 15 46 JPMorgan Investment Advisors Inc.
 16 47 D.E. Shaw & Co., LP
 17 48 Bodri Capital Management
 18 49 Mellon Private Wealth Management
 19 50 Teachers Insurance & Annuity Association
 20 51 BlackRock Investment Management, LLC
 21 52 Markston International, LLC
 22 53 EagleRock Capital Management
 23 54 Stephen K. Workman
 24 55 Robeco Investment Management Inc. (WPG)
 25 56 Marshall Wace, LLP
 26 57 Credit Suisse Securities (USA) LLC
 27 58 Citi Investment Research (US)
 28 59 Northern Trust Global Investments

1 60 Thomas Weisel Asset Management
 2 61 Kenwood Capital Management, LLC
 3 62 S.A.C. Capital Management, LLC
 4 63 Geode Capital Management, LLC
 5 64 Mercantile-Safe Deposit and Trust Company
 6 65 JPMorgan Private Bank (United States)
 7 66 Florida State Board of Administration
 8 67 Ohio Public Employees Retirement System
 9 68 NorthStar Capital Funds, LLC
 10 69 Polar Capital Partners Ltd.
 11 70 UBS Securities LLC
 12 71 Credit Suisse Asset Management, LLC (US)
 13 72 Goldman Sachs Asset Management (US)
 14 73 NWD Investments
 15 74 DWS Investment GmbH
 16 75 Van Wagoner Capital Management, Inc.
 17 76 SunTrust Bank
 18 77 AllianceBernstein LP
 19 78 Ridgecrest Investment Management, LLC

2.

**CERTIFICATION OF INTERESTED PARTIES OR
 PERSONS BY FINISAR CORPORATION PURSUANT
 TO FEDERAL RULES OF CIVIL PROCEDURE 7.1
 AND CIVIL LOCAL RULE 3-16**

| | | |
|----|-----|---------------------------------------------------------------|
| 1 | 79 | Goldman Sachs & Company, Inc. |
| | 80 | AIG Global Investment Group, Inc. |
| 2 | 81 | BNL Gestioni SGR S.p.A. |
| | 82 | HBK Investments, LP |
| 3 | 83 | Millennium Management, LLC |
| | 84 | RhumbLine Advisers Corp. |
| 4 | 85 | Boston Financial Management, Inc. |
| | 86 | Suffolk Capital Management, LLC |
| 5 | 87 | Morgan Stanley & Co. Inc. |
| | 88 | Tradeworx Inc. |
| 6 | 89 | James D. Marver |
| | 90 | Metropolitan Life Insurance Co. (US) |
| 7 | 91 | Public Employees' Retirement Association of CO |
| | 92 | Kentucky Retirement Systems |
| 8 | 93 | Empire Financial Group |
| | 94 | William Blair & Company, LLC |
| 9 | 95 | Teleos Asset Management, LLC |
| | 96 | Firsthand Capital Management, Inc. |
| 10 | 97 | MFC Global Investment Management |
| | 98 | AIM Trimark Investments |
| 11 | 99 | Banque et Caisse d'Epargne de l'Etat Luxembourg |
| | 100 | ProFund Advisors LLC |
| 12 | 101 | Piper Jaffray & Co. |
| | 102 | Alexandra Global Master Fund Ltd |
| 13 | 103 | Whitebox Diversified Conv. Arb Partners LP |
| | 104 | c/o Trident Trust |
| 14 | 105 | Needham Emerging Growth Partners, LP |
| | 106 | Eugene V. Thaw Revocable Trust |
| 15 | 107 | Bonny Israeloff Irrevocable Trust |
| | 108 | Robert L. Israeloff Irrevocable Trust |
| 16 | 109 | Morton Seaman |
| | 110 | Irwin W. Silverberg IRA |
| 17 | 111 | Stanley Kaplan IRA |
| | 112 | Delaware Charter Guarantee & Trust |
| 18 | 113 | Suzanne Chase |
| | 114 | Female Care Assoc. PA Professional Sharing Trust |
| 19 | 115 | Benetar Bernstein Schair & Ste. Employee Pension Plan & Trust |
| | 116 | James W. Armour Jr. |
| 20 | 117 | Frederic Quitkin |
| | 118 | Herbert R. Kameon Living Trust |
| 21 | 119 | Hall Family Trust |
| | 120 | Joe and Truly Daniel Revocable Trust |
| 22 | 121 | Colby & Gale Inc Profit Sharing Plan |
| | 122 | Dr. Alfred G. Dickerson IRA |
| 23 | 123 | M R Johnson Family Trust |
| | 124 | Esther Nugent IRA |
| 24 | | Dianne Gozonsky IRA |
| 25 | | 3. |
| 26 | | CERTIFICATION OF INTERESTED PARTIES OR |
| | | PERSONS BY FINISAR CORPORATION PURSUANT |
| 27 | | TO FEDERAL RULES OF CIVIL PROCEDURE 7.1 |
| | | AND CIVIL LOCAL RULE 3-16 |

| | | |
|----|-----|----------------------------------------------------------------------------|
| 1 | 125 | Benetar Bernstein Schair and Stein Employee Profit Sharing Plan & Trust |
| 2 | 126 | Elliott H. Solomon IRA |
| 3 | 127 | Hugh J. Helfenstein Revocable Trust |
| 4 | 128 | Donald Lewis Davies and Nancy Nairn Davies Revocable Living Trust |
| 5 | 129 | David Dannenbring & Barbara Dannenbring |
| 6 | 130 | John Fisher & Iris Fisher |
| 7 | 131 | Thomas Weisel Partners LLC |
| 8 | 132 | Acadia Trust |
| 9 | 133 | Todd A. Grossmann PSP |
| 10 | 134 | Stephen W. Broberg and Deidre Broberg |
| 11 | 135 | Elizabeth P. Hicks IRA |
| 12 | 136 | H. Christina Guy |
| 13 | 137 | G E Johnson Family Living Trust |
| 14 | 138 | Judith Polcer & Edward Polcer |
| 15 | 139 | Jean D. Thurston |
| 16 | 140 | Janet Danner McKinney |
| 17 | 141 | Eric C. Clark |
| 18 | 142 | Alan E. Stallings Jr. MD |
| 19 | 143 | Frederick E. Taber MD |
| 20 | 144 | Craig I LP |
| 21 | 145 | Barbara Marie LA Vileta |
| 22 | 146 | Alan E. Freeland |
| 23 | 147 | St. Matthews Episcopal Church |
| 24 | 148 | Trinity Episcopal Church |
| 25 | 149 | Episcopal Diocese of Mississippi Gray Center |
| 26 | 150 | George A. Callaway |
| 27 | 151 | Thomas H. Krocak |
| 28 | 152 | Paula Tietz IRA |
| 1 | 153 | The Beltram Family Trust |
| 2 | 154 | Lynn Perkins Trust |
| 3 | 155 | Dale Wilson Special Need Trust |
| 4 | 156 | Henry & Jeanette Mok Revocable Trust |
| 5 | 157 | Episcopal Diocese of Mississippi John Maury Allin Diocesan House |
| 6 | 158 | Martha Drilling |
| 7 | 159 | W.H. Merrell Jr. MD |
| 8 | 160 | Russell E. Thompson and Betty A. Thompson |
| 9 | 161 | Arlyn J. McCombs Pershing LLC |
| 10 | 162 | Lydia S. Rosner IRA |
| 11 | 163 | Susan H.E. Mauritz |
| 12 | 164 | Gary C. Hendrickson |
| 13 | 165 | Mary M. Fisher & Larry M. Fisher |
| 14 | 166 | Loretta Davis IRA |
| 15 | 167 | Joyce L. Beene |
| 16 | 168 | Margaret T. Ward |
| 17 | 169 | Robert L. Riggs |

1 170 Leighann Redding
2 171 Janice C. Brown Revocable Trust
3 172 Thomas C. Brooks & Krisztina M. Brooks
4 173 Lynn Anne Ishizaka & Robert T. Ishizaka Community Property
5 174 National Financial Services
6 175 F Europe LTD fbo O'Connor
7 176 CS Sec Eur LTD
8 177 Palisade Capital
9 178 DB Securities Service NJ Wachovia National Bank
10 179 Man Mac 1, Ltd
11 180 DB AG Equity Swaps Offshore Consolidated
12 181 International Monetary Fund
13 182 Fortissimo Fund c/o Symphony Asset
14 183 US Rapid
15 184 A G Edwards & Sons
16 185 First Trust & Company

11 DATED: August 16, 2007

Respectfully submitted,

12 Sterling A. Brennan
13 WORKMAN NYDEGGER A PROFESSIONAL CORPORATION

14 Caroline McIntyre
15 BERGESON, LLP

16 By /s/ Sterling A. Brennan
17 Sterling A. Brennan
18 Attorneys for Plaintiff FINISAR CORPORATION

28 5.

CERTIFICATION OF INTERESTED PARTIES OR
PERSONS BY FINISAR CORPORATION PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 7.1
AND CIVIL LOCAL RULE 3-16

CASE NO.: 5:07-CV-04052-HRL

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: D. Anthony Rodriguez, drodriguez@mofo.com; Abby E. Wilkinson, awilkinson@faegre.com; Eva Krisztina Schueller, eschueller@mofo.com; Michael B. Fisco, mfisco@faegre.com; Paul T. Friedman, pfriedman@mofo.com.

WORKMAN NYDEGGER

/s/ Sterling A. Brennan
STERLING A. BRENNAN
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 533-9800

J:\1631312\011 Cert of Interested Parties (2d Action).doc

6.

**CERTIFICATION OF INTERESTED PARTIES OR
PERSONS BY FINISAR CORPORATION PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 7.1
AND CIVIL LOCAL RULE 3-16**

CASE NO.: 5:07-CV-04052-HRL